

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 358, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 12, delete "chargeable as" and insert "**enhanced to**".
- 2 Page 1, line 12, after "felony" insert "**in the same proceeding as the**
- 3 **habitual offender proceeding**".
- 4 Page 1, line 13, after ";" insert "**or**".
- 5 Page 1, line 15, delete "; or" and insert ".".
- 6 Page 1, delete lines 16 through 17.
- 7 Page 2, line 11, reset in roman "or".
- 8 Page 2, line 13, delete "; or" and insert ".".
- 9 Page 2, delete lines 14 through 25, begin a new paragraph and
- 10 insert:
- 11 "**(e) The requirements in subsection (b) do not apply to a prior**
- 12 **unrelated felony conviction that is used to support a sentence as a**
- 13 **habitual offender. A prior unrelated felony conviction may be used**
- 14 **under this section to support a sentence as a habitual offender even**
- 15 **if the sentence for the prior unrelated offense was enhanced for any**
- 16 **reason, including an enhancement because the person had been**
- 17 **convicted of another offense. However, a prior unrelated felony**
- 18 **conviction under IC 9-30-10-16, IC 9-30-10-17, IC 9-12-3-1**

- 1 **(repealed), or IC 9-12-3-2 (repealed) may not be used to support a**
- 2 **sentence as a habitual offender."**
 (Reference is to SB 358 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Bray

Chairperson